

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **11 NOVEMBER 2004 (11.11.2004)**

Applicant's or agent's file reference pct04-030037		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/KR2004/001932	International filing date (day/month/year) 30 JULY 2004 (30.07.2004)	Priority date (day/month/year) 31 JULY 2003 (31.07.2003)	
International Patent Classification (IPC) or both national classification and IPC IPC7 H04Q 7/20			
Applicant NEOMTEL CO., LTD. et al			

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer JEONG, Hae Kon Telephone No. 82-42-481-5086
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WRITTEN OPINION OF THE
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International application No.

PCT/KR2004/001932

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

a sequence listing
 table(s) related to the sequence listing

b. format of material

in written format
 in computer readable form

c. time of filing/furnishing

contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-3	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-3	NO
Industrial applicability (IA)	Claims	1-3	YES
	Claims		NO

2. Citations and explanations :

Reference is made to the following documents:

D1 : KR 2001-0016442 A (2001. 03. 05)
D2 : KR 2001-0091080 A (2001. 10. 23)
D3 : KR 2002-0044306 A (2002. 06. 15)

Claims 1-3 of the present invention relate to transferring a short message to a receiver which is generated by combining multimedia data arranged earlier according to the character message of the text form by a service user.

D1 discloses an apparatus for transmitting image data, wherein a user transfers a character message which is transferred from the terminal by combining image data which are stored in a data storing part. Claims 1-3 of the present invention are similar to D1.

The method of inserting URL which indicates multimedia contents to a message is similar to D2's method of inserting contents' URL to a short message.

The method of transferring a character message which has been restructured to a receiving terminal in case that a receiving terminal does not have the capability of receiving it is similar to a technique of transferring a multimedia message which is converted for adapting various forms of a receiving terminal to a receiving terminal of D3.

In view of the teachings of citations D1-D3 taken in combination, these citations disclose all of the features of Claims 1-3. Thus, the subject matter of Claims 1-3 does not involve an inventive step in the sense of Article 33(3) PCT.

The industrial applicability of Claims 1-3 is self-evident in the sense of Article 33(4) PCT.

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Box No. VI Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
KR2002-0073459 A	19/09/2003	11/03/2002	NONE

KR2002-0073459 A was published on 19/09/2003, i.e. between the priority and filing dates of the present application. In case the priority of the present application is not valid, this document is relevant for assessing inventive step.

2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)